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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 845/2006

SMT. BHURI & ORS. Vs. SHAREEF KHAN

DATE: 08.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Dinesh Kumar Garg for the petitioners.

Mr. Nawab Ali for

Mr. N.A. Naqvi for the respondent.

The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the order dated 15.06.2006 passed by the Additional Sessions Judge (Fast Track) No.1, Dholpur in Criminal Revision No. 7/2006, whereby he partly allowed the criminal revision filed by the respondent-husband and set-aside the order dated 05.10.2004 passed by the Chief Judicial Magistrate, Dholpur in Criminal Case No. 56/2004, whereby the application of the petitioners moved under Section 125 Cr.P.C. for interim maintenance was allowed.

Vide order dated 05.10.2004, the Court below has ordered the respondent-husband to pay a sum of Rs. 2,000/- per month to the petitioner No.1 Smt. Bhuri,

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the wife of the respondent and Rs. 1,000/- each to the petitioner Nos. 2 and 3, the son and daughter of the respondent as interim maintenance till the disposal of the main application for maintenance.

Aggrieved and dissatisfied with the said order dated 05.10.2004 the respondent-husband preferred a criminal revision before the Revisional Court and the Revisional Court vide its order dated 15.06.2006 while allowing the criminal revision in part, set-aside the order dated 05.10.2004 and ordered the respondent to pay a sum of Rs. 500/- per month as interim maintenance to the petitioners.

I have heard rival submissions of the respective parties and have also gone through the impugned order dated 15.06.2006 passed by the Revisional Court.

The Revisional Court has interfered with the interim maintenance order passed by the Court below without any cogent reason and has reduced the interim maintenance, which is per se illegal and contrary to the law. Thus, I find illegality apparent on the face of the record in the Revisional Court's order dated 15.06.2006, which requires interference by this Court.

Consequently, the impugned order dated 15.06.2006 passed by the Revisional Court is herewith

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quashed and set-aside and the revision petition stands allowed.

(K.S. RATHORE), J.

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